

CONNECTICUT ASSOCIATION OF AREA AGENCIES ON AGING LEGISLATIVE UPDATE

Kate McEvoy/Agency on Aging of South Central Connecticut

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To review the text of any bill noted below:

- 1) open www.cga.ct.gov;
- 2) type in the bill number next to “Number” at top of screen, then click “GO”.

PLEASE NOTE: Due to dramatic changes in the state’s revenue profile, the legislature elected not to approve a new budget and instead to use the existing FY’09 budget. Please refer to P.A. 07-1 (the budget enacted in 2007), available from the following link:

http://search.cga.state.ct.us/dtSearch_lpa.html

Items of interest/concern to older adults and those with disabilities associated with Senate Bill 34, An Act Implementing the Governor’s Budget Recommendations with Respect to Social Services Programs was not acted upon prior to the end of the session:

- Section 2 proposed to require DSS to 1) consult with OPM on whether amending the Medicaid state plan to include hospice services would be cost effective, and if so and if the benefit could be implemented within existing appropriations, 2) amend the Medicaid state plan to include hospice services (although Senate Bill 34 did not pass, please see Raised Senate Bill 558 in the Medicaid section on p. 3)
- Section 5 proposed to allow use of special needs trusts under the Aid to Aged, Blind and Disabled Program to reduce the countable income of certain individuals who live in residential care homes

SUBJECT AREA	ASSOCIATION POSITION	MAJOR RAISED BILLS/STATUS
ConnPACE	<i>full protections for participants of ConnPACE and Medicaid</i>	Raised House Bill 5796 (4/17/08 File No. 676) , which sought to 1) expand DSS’ authority as authorized representative for ConnPACE applicants or recipients to include facilitation of enrollment in the Medicaid cost-sharing programs; and 2) increase income disregards for the SLMB and QI programs to equalize income eligibility with the levels that are used ConnPACE was not acted upon prior to the end of the session.
Home and Community-Based Services	<i>continued funding for the Connecticut Home Care Program for Elders (CHCPE)</i>	<u>Connecticut Home Care Program for Elders (CHCPE):</u> Raised Senate Bill 567 which sought to 1) change the eligibility age for the program from 65 to 60; 2) include PCA’s as a covered service of the program; and 3) appropriate funds for rate increases to providers was not acted upon prior to the Approps deadline.

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	<p><i>increased funding for the Connecticut Home Care Program for the Disabled</i></p> <p><i>an increased in the income eligibility standards for Medicaid to 185% of the Federal Poverty level</i></p>	<p><u>Connecticut Home Care Program for the Disabled (CHCPD):</u></p> <p>Raised Senate Bill 414 (5/2/08 House passed, 4/23/08 Senate passed) seeks to 1) tie asset limits for the program to those used for the state-funded components of the Connecticut Home Care Program for Elders; and 2) require DSS to create a waitlist when capacity is reached. Provisions that sought 1) increase the number of participants in the CHCPD from 50 to 70; 2) appropriate \$1 m. for the CHCPD; and 3) appropriate \$2.5 m. to increase participation in the PCA waiver by 150 persons were removed prior to passage of the bill.</p> <p><u>Money Follows the Person</u></p> <p>Raised Senate Bill 561 (5/7/08 House passed as amended by Senate Amendment Schedule A, 5/2/08 Senate passed as amended by Senate Amendment Schedule A) seeks to 1) increase participation in the Money Follows the Person project from 700 to 5,000 persons; 2) establish a Long-Term Care Reinvestment account into which federal match funds will be deposited; 3) enumerate priorities for DSS on how these funds should be expended; and 4) require DSS to develop a plan to establish and administer a demonstration project (colloquially known as “MFP 2”) that includes the same service array as will be provided under MFP for individuals age 18 and older who are a) institutionalized or at risk of institutionalization; and b) meet CHCPE eligibility criteria.</p>
	<p><i>support a percentage increase in long-term care reimbursement rates</i></p>	<p>Raised Senate Bill 413, which sought to 1) create a Community Provider Rescue Fund Account for providers of service to children and those with disabilities; 2) establish a commission on community-based services; and 3) issue bonds in support of grants-in-aid for capital improvement projects was not acted upon prior to the end of the session.</p>
<p>Alzheimer’s Respite Program</p>	<p><i>an increase in the maximum grant from \$3,500 to \$7,000</i></p>	<p>Raised House Bill 5793, which sought to increase the maximum grant that is available through the program from \$3,500 to \$5,000 was not acted upon prior to the end of the session.</p>
<p>CHOICES</p>	<p><i>state funding of at least \$1,000,000 for CHOICES and funding for Aging and Disability Resource Centers (ADRC’s)</i></p>	<p>The FY’09 budget includes \$1 m. in funding for CHOICES.</p> <p>Raised Bill 5791, which sought to require DSS to establish a long-term care single point of entry (SPE) system was not acted upon prior to the end of the session.</p>

ADDITIONAL AREAS OF INTEREST

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Workforce Development	Raised Senate Bill 470 , which sought to implement workforce proposals including 1) creation of a nursing faculty scholarship-for-service and loan forgiveness program; 2) creation of an allied health incentive faculty program; and 3) through DEH, a review of the capacity of nursing and allied health facilities, was not acted upon prior to the end of the session.
Assisted Living	Raised Senate Bill 215 , which sought to increase the number of slots in the pilot from 75 to 300, was not acted upon prior to the Approps deadline.
Medicaid	<p>Raised Senate Bill 558 (5/7/08 House passed as amended by Senate Amendment Schedule A, 5/2/08 Senate passed as amended by Senate Amendment Schedule A) seeks to require DSS to amend the Medicaid state plan to include hospice and foreign language interpreters as covered services. Podiatry and chiropracty were removed prior to passage of the bill. Raised Senate Bill 662, which contained various Medicaid eligibility and coverage provisions, was not acted upon prior to the Approps deadline.</p> <p>Public Act 08-45 (5/7/08 Signed by the Governor) seeks to expand the existing statute that exempts any payment received from a discrimination case from claim or lien by the state for re-payment of benefits paid to include cases including discrimination in public accommodations.</p>
Insurance/Medical Coverage	Raised House Bill 5696 (5/7/08 Senate passed, 4/16/08 House passed) seeks to require group health insurance policies to cover pervasive developmental disorders. Raised Senate Bill 480 , which sought to adopt the Charitable Gift Annuity Model Act was not acted upon prior to the end of the session.
Energy Assistance	Raised House Bill 5616 , which sought to permit the towns of Hamden, New Haven, East Haven, West Haven and North Haven to run, on a pilot basis, the energy assistance programs that are currently run by the Community Action Agency of New Haven was not acted upon prior to the end of the session. Raised Bill 5786 , which sought to 1) require community action agencies to begin accepting applications for energy assistance not later than September 1 each year; and 2) require DSS to develop a plan for providing funds for weatherization projects for participants of the CEAP program was not acted upon prior to the end of the session.
Consumer Protections	Public Act 08-17 (4/29/08 signed by Governor) prohibits homemaker/companion agencies from providing services without a current certificate of registration with the Department of Consumer Protection. Public Act 08-46 (5/7/08 Signed by Governor) codifies in statute DMHAS' requirement that all prospective employees and volunteers be screened through state criminal background checks and the DCF and DDS abuse/neglect registries.
Transportation	Raised Senate Bill 664 , which sought to 1) require ITN projects to offer wheelchair accessible options; 2) expand the ITN project from 4 to 5 municipalities and give each a renewed grant of \$25,000; and 3) prohibit insurers from denying coverage or imposing a surcharge on the rates of volunteer drivers for ITN was not acted upon prior to the end of the session.
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<p>Housing</p>	<p>Raised House Bill 5127 (5/5/08 House passed, 4/30/08 Senate passed) seeks to permit elderly persons and those with disabilities who are accepted into subsidized housing to terminate their leases with 30 days notice without penalty or liability for the remaining lease term. Substitute language not yet available. Raised House Bill 5621, which sought to give a right of hearing to applicants for and increase appropriations to the Rental Assistance, T-RAP and Section 8 Programs was not acted upon prior to the end of the session. Raised Senate Bill 422, which sought to permit DMHAS to expand its alternate to incarceration program for individuals with mental illness or substance abuse was not acted upon prior to the Approps deadline. Proposed Senate Bill 208, which sought to authorize issuance of bonds in support of grants-in-aid to CHFA for emergency mortgage assistance was not acted upon prior to the end of the session. Public Act 08-36 (5/7/08 Signed by the Governor) 1) amends the definition of “continuing care contract” to include care in an individual’s home; and 2) permits CCRC’s to request successive 3-year extensions for authorization to accept non-residents to their nursing facilities.</p>
<p>Nursing Homes</p>	<p><u>Staffing:</u></p> <p>Raised House Bill 5794, which sought to 1) provide enhanced requirements for direct care of residents of nursing homes (3.5 hours per resident per day in 2008, 3.9 hours per resident per day in 2009, and 4.2 hours per resident per day from 6/1/09 on); 2) require DPH to verify that minimum standards are met through inspections; 3) require DSS to calculate, on an annual basis, the average hours of direct care per resident; 4) establish procedures for situations in which a nursing facility is noncompliant with minimum hours of direct care per resident; 5) require DPH to investigate complaints of inadequate staffing; 6) require DPH to annually report on direct care staffing to the Human Services and Public Health Committees; 7) authorize the Long-Term Care Ombudsman to inspect resident care schedules and payroll records; 7) authorize DSS to recoup Medicaid payments made to a facility that has been noncompliant with minimum hours of direct care per resident; and 8) require nursing facilities to disclose and post staffing ratios, a DPH poster depicting minimum standards, and, for each shift, a list of the names of all direct care staff was not acted upon prior to the end of the session.</p> <p><u>Consumer Protections:</u></p> <p>Raised Senate Bill 156, which sought to require DPH to produce a nursing facility report card that would include specified quality measures including resident ratings, federally-required quality indicators, direct care hours, staffing ratios and findings of inspection reports was not acted upon prior to the end of the session. Raised Senate Bill 382 (5/6/08 House passed as amended by Senate Schedule A, 4/30/08 Senate passed as amended by Senate Schedule A) seeks to prohibit television and cable companies and nursing home owners and operators from charging new installation fees to residents who change rooms. Public Act 08-30 (4/30/08 Signed by the Governor) prohibits nursing facilities from charging self-pay residents a fixed monthly rate, as opposed to a per diem rate. Raised Senate Bill 387, which sought to 1) modify the language of existing statutory requirements concerning Alzheimer’s “special care units” to require submission to DPH of the required disclosure documents; 2) increase the minimum annual dementia-specific training for direct care staff from 3 to 8 hours; and 3) require DPH to adopt regulations to implement the statutory requirements was not acted upon prior to the end of the session. Raised Senate Bill 559 (5/2/08 Senate passed as amended by House Amendment A, 5/2/08 House passed as amended by House Amendment A) seeks to require DSS to approve up to ten proposals for development of “small house” nursing homes. Raised House Bill 5861, which sought to require DPH to establish standards for care of individuals with mental illness, was not acted upon prior to the Appropriations Committee deadline.</p>

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Nursing Homes (cont.)	<p><u>Oversight:</u></p> <p>Senate Bill 32, which sought to implement the Governor's budget recommendations concerning strengthening DSS' review of the financial viability of nursing facilities was not acted upon prior to the end of the session. Raised Senate Bill 385, which sought to require 1) that DPH, in advance of any inspection, use reports submitted by nursing facilities to DSS to gauge the number of working hours that have been provided by direct care staff to residents; 2) that DPH compare reported figures to actual staffing at the time of the inspection; 3) that DPH assess at the time of inspection whether residents' care needs are being met and use established benchmarks for such assessment; 4) the following minimum hours of direct care per resident every 24 hours: 2.32 hours by CNA's and 1.18 hours by licensed nurses; and 5) that facilities that fail to meet requirements for minimum hours of direct care document and report such deficiencies to DPH on a quarterly basis was not acted upon prior to the end of the session. Raised Senate Bill 577, which sought to strengthen the oversight authority of the Nursing Home Financial Advisory Committee was not acted upon prior to the end of the session. Raised House Bill 5864, which sought to 1) require DSS to complete an inventory of all nursing facilities; 2) in assessing certificates of need, prioritize models that are consistent with the State Long-Term Care Plan (e.g. green house, small house); 3) require that facilities prepare nurse staffing plans; and 4) require enhanced direct care to residents was not acted upon prior to the end of the session.</p>
Grandparents Raising Grandchildren	<p>Committee Bill 66 (5/2/08 House passed, 4/16/08 Senate passed) seeks to permit grandparents who are not subsidized guardians to apply for grants from the Kinship Fund and for respite. Raised House Bill 5908, which sought to 1) create a presumption that it is in the best interests of abused and neglected children to be placed with grandparents or other relatives when they are removed from their homes; 2) prohibits DCF and courts from taking into account a parent's application for, or receipt of, voluntary behavioral health services for their child from the department when making certain decisions about that person's suitability to care for a child; 3) requires DCF employees to notify the commissioner when they suspect a co-worker of illegally disclosing confidential information and gives them whistleblower protections; 4) requires local approval before state agencies can license or contract with residential facilities formerly licensed by DCF; 5) requires DCF residential facility contracts to include provisions requiring compliance with state statutes, regulations, and local ordinances concerning noise levels and resident safety; 6) authorizes adults who are related by blood or marriage to a child who is the subject of an abuse or neglect proceeding in Superior or probate courts to intervene as parties in the case; and 6) eliminates a probate judge's authority to order temporary placements of children without making specific findings of parental abuse or neglect when the parent consents to the child's temporary removal or the minor has no guardian was not acted upon prior to the end of the session.</p>
Access	<p>Raised Senate Bill 458, which sought to enhance DPH monitoring of and compliance by hospitals with requirements for linguistic access services was not acted upon prior to the end of the session. Raised House Bill 5797, which sought to clarify the role of the Commission on the Deaf and Hearing Impaired in providing qualified interpreter services in criminal and civil actions, criminal investigations, proceedings before state entities, proceedings before administrative or other bodies organized to hear employee grievances, and schools was not acted upon prior to the end of the session. <i>See also:</i> Raised Senate Bill 499, re windshield permits for parking for persons with disabilities, which also was not acted upon prior to the end of the session.</p>
Probate	<p>Raised Senate Bill 165, which sought to remove life insurance proceeds, out-of-state property and mortgages from the calculation of gross estate when determining probate court fees residents was not acted upon prior to the end of the session. Raised Senate Bill 705, which sought to permit an individual who is physically incapable of signing a will or codicil to direct another person to do so on his or her behalf was not acted upon prior to the end of the session.</p>

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State Structure/ Oversight	Raised Senate Bill 575 , which sought to establish a task force to study day program services that are provided by DDS to persons with developmental disabilities residents was not acted upon prior to the end of the session. Raised House Bill 5896 , which sought to require posting of state agency regulations on their web sites residents was not acted upon prior to the end of the session. Raised House Bill 5910 , which sought to 1) require DSS to file quarterly reports with Appropriations and OFA on its progress in implementing new initiatives; 2) require DSS to submit regulations to Human Services, and as specified, to the Medicaid Managed Care Council and the Behavioral Health Partnership for their review; and 3) prohibit DSS, on and after 12/31/08, from implementing regulations on an interim basis residents was not acted upon prior to the end of the session.
Income Tax unless otherwise noted, all of the listed bills are in the Finance, Revenue & Bonding Committee	Exemptions: None of the bills that sought to exempt all or part of pension and Social Security income were acted upon prior to the committee deadline. Deductions: Raised Senate Bill 312 , which sought to permit individuals to deduct up to \$500 annually of any health or long-term care insurance premiums that they pay for themselves or family members residents was not acted upon prior to the end of the session. Raised House Bill 5631 , which sought to permit organ donors to deduct up to \$10,000 in out-of-pocket costs (medical care, travel, lodging and lost wages) that are associated with the donation residents was not acted upon prior to the end of the session. Raised House Bill 5845 (5/7/08 Senate passed, 5/1/08 House passed) seeks to make dividends, as well as capital gains, on contributions to a Homecare Option Program for the Elderly (HOPE) account deductible. Credits: Raised Senate Bill 557 , which sought to give individuals a credit of 1) 20% of the premiums that they have paid on long-term care insurance policies; or 2) 10% of the costs of providing such coverage to employees was not acted upon prior to the committee deadline.
Sales Tax	None of the bills that sought to make exemptions from sales tax were acted upon prior to the committee deadline.
Property Tax	Property Tax Relief for Elderly and those with Disabilities: Raised House Bill 5573 , which sought to permit towns to exclude the medical and dental expenses of applicants for property tax relief from calculation of income eligibility was not acted upon prior to the committee deadline. Property Tax Freeze Program: Raised Senate Bill 707 , which sought to 1) decrease the eligibility age for the program from 70 to 65; and 2) increase the income eligibility requirements for the property tax freeze program to no more than \$37,500 for an individual and no more than \$50,000 for a couple was not acted upon prior to the committee deadline.
Gift/Estate Tax	None of the bills that sought to repeal the estate tax, eliminate the “cliff” or adjust the rates were acted upon prior to the committee deadline. Proposed House Bill 5227 , which sought to give estates the option of either 1) paying 100% of the tax due; or 2) giving one-half of the amount of the tax that is owed to charity, and receiving forgiveness for that amount was not acted upon prior to the committee deadline.